

**IRELAND**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DEMARCUS SMITH,**

**Defendant.**

Criminal No.: 15-20205

18 USC § 2251(a) and (e)  
18 USC § 2252(a)(2) and (b)(1)  
18 USC § 2253  
18 USC § 2422(b)

**INDICTMENT**

**THE GRAND JURY CHARGES:**

**COUNT 1**

From in or about August, 2014, through in or about May, 2015, in the Western District of Tennessee, the defendant,

**DEMARCUS SMITH**

using a facility and means of interstate commerce, specifically, a cellular telephone and cellular communications systems, attempted to knowingly persuade, induce, entice, and coerce Minor A, a minor male the defendant knew to be under the age of eighteen (18), to engage in sexual activity which would constitute a criminal offense; that is, violation of Title 18, United States Code, Sections 2251 and 2252(a)(2), all in violation of Title 18, United States Code, Section 2422(b).

**COUNT 2**

From in or about August, 2014, through in or about May, 2015, in the Western District of Tennessee, the defendant,

**DEMARCUS SMITH**

attempted to and knowingly employed, used, persuaded, induced, enticed and coerced Minor A, a male then under sixteen years of age, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2)(A), specifically, the lascivious exhibition of the genital and pubic area, for the purpose of producing a visual depiction of such conduct, knowing and having reason to know such visual depiction would be transported and transmitted using a means and facility of interstate commerce, and the visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a) and (e).

**COUNT 3**

From on or about March 31, 2015, through on or about April 1, 2015, in the Western District of Tennessee, the defendant,

**DEMARCUS SMITH**

knowingly received visual depictions (computer image and video files) using a means and facility of interstate and foreign commerce, specifically, a cellular telephone connected to the Internet; each said visual depiction had been shipped and transported in and affecting interstate and foreign commerce; the production of each said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A), and each said visual depiction was of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(2) and (b)(1).

**NOTICE OF INTENT TO SEEK FORFEITURE PURSUANT TO 18 U.S.C. §**

1. The allegations contained in Count 1 of this Indictment are incorporated by reference as if fully set forth herein.

2. Upon conviction for violating Title 18, United States Code, Section 2251 or 2252, the defendant, **DEMARCUS SMITH**, shall forfeit to the United States any and all right, title, and interest he has in:

(a) any visual depiction described in Section 2252 of Title 18 United States Code, and any item that contains such visual depiction, which was produced, transported, mailed, shipped, or received in violation of the above-said statute;

(b) any property, real or personal, constituting or traceable to gross profits of other proceeds obtained from the above-said offenses; and

(c) any property, real or personal, used or intended to be used to commit or to promote the commission of the above-said offenses, including but not limited to the following:

- (1) One (1) Samsung Cricket Cellular Telephone;
- (2) One (1) LG Virgin Mobile Cellular Telephone;
- (3) One (1) Motorola Verizon Cellular Telephone;
- (4) One (1) Samsung Cricket Cellular Telephone;
- (5) One (1) ZTE Cellular Telephone, Model Z777;
- (6) One (1) Sandisk Thumb Drive;

- (7) Three (3) micro SD cards;
- (8) One (1) Samsung Tablet Computer.

**A TRUE BILL:**

\_\_\_\_\_  
**FOREPERSON**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**EDWARD L. STANTON III**  
**UNITED STATES ATTORNEY**